

ORIGINAL

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matter of

Amendment of Section 73.202(b),
 Table of Allotments,
 FM Broadcast Stations.
 (Exmore and Cheriton, Virginia, and
 Fruitland, Maryland)

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MM Docket No. 99-34
 RM-9751
 RM-9761

RECEIVED
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 FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

COMMENTS OF BE-MORE BROADCASTING

Be-More Broadcasting ("Be-More") files these Comments in response to the Notice of Proposed Rulemaking DA-99-2758 (released December 10, 1999) ("NOPR"). Be-More supports the reallocation of Channel 298B1 from Exmore, Virginia to Cheriton as proposed by Be-More, as well as the reallocation of Channel 298B from Exmore, Virginia to Fruitland, Maryland as 298B1. In the alternative, if only one channel is to be reallocated the public interest considerations weigh in favor of the Be-More proposal.

1. Be-More Supports Both Proposed Channel Reallocations.

There are considerable public interest factors weighing in favor of granting both reallocations. Both proposals will result in provision of new service to two communities, in addition to service to more people. *See NOPR and Infra.* Although Exmore would be left without its own transmission service, it would not be left unserved. In comments filed by *Exmore Nassawadox Radio Partners* in this proceeding, *Exmore Nassawadox Radio Partners* states that as the potential future permittee of Channel 252A allocated to the nearby community of Nassawadox, Virginia, "It will unquestionably adopt and originate programming that will be responsive to the residents of

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Exmore, Virginia." It further notes that it would adopt a, "Nassawadox-Exmore" community identification.¹

2. In the Event Only One Proposal is Granted, the Be-More Proposal is Preferred.

A. The Be-More Proposal.

Be-More is currently the permittee of unbuilt station Channel 291B1 in Exmore, Virginia. Be-More has pending a one step upgrade application to authorize operations on Channel 291B (File No.: BMPH-980630IC). It proposes to reallocate Channel 291B1, Exmore, Virginia as Channel 291B to Cheriton, Virginia with a site restriction of 18.6 kilometers northeast.²

B. Cheriton is a Community For Allocation Purposes.

The Commission requested that Be-More present additional information, "to demonstrate that Chariton [sic] has the social, economic and governmental indicia to qualify it as a community for allotment purposes." *NOPR* at Paragraph 6. Cheriton is a community for allocation purposes. Cheriton is a census designated place with a 1990 population of 515 people. It is a listed community in the Rand McNally Road Atlas and, in addition, is an incorporated city with its own mayor and city council. Cheriton has its own fire department, post office, and zip code. Cheriton has two banks, Shore Bank and Crestar Bank, in addition to numerous businesses: Leatherbury Equipment, North Hampton Growers, Zorababels (framing and crafts), Duntans Texico, Snakes Service Station, The Cheriton Pharmacy, The Cheriton Supermarket, Chesapeake Bay Cafe, R&C Seafood Shop, and Western Auto. In addition, Cheriton has at least two churches, the Cheriton Baptist Church and the Cheriton Methodist Church, a local Boy Scout Troop and two bed and breakfasts (Between the Bay

¹ In addition, Be-More contemplates filing a Form 175 for the new upcoming AM auction proposing a new AM facility for Exmore, Virginia.

² The *Notice of Proposed Rulemaking*, as well as the *Petition to Amend the FM Table of Assignments* filed by Be-More proposes the allocation of Channel 291B1 to Cheriton, Virginia. However, in supplemental engineering filed on August 11, 1999, Be-More requested that Channel 291B be allocated to Cheriton, Virginia. In these Comments, Be-More reasserts its interest in and requests the allocation of Channel 291B to Cheriton.

and Sea B&B and Elderburry House). Cheriton is served by a community health care center, Bay View Community Health Center. *See, Exhibit 1.*³

C. Service Considerations.

The Commission requested that Be-More provide a gain loss study. There will be a net population loss of 191 and area loss of 35.1 km by allocation of Channel 291B to Cheriton. *See, Exhibit 2.*

The Great Scott engineering study, as noted in the *NOPR* appears flawed. The proposed gain in population is not accurate since it appears the study is based on the station's current parameters (50 kW ERP at 82 meters HAAT) rather than as a full Class B facility. *See, Greenup, Kentucky and Athens, Ohio*, 2 FCC Rcd. 4319 (1987), *recon. granted*, 4 FCC Rcd. 3843 (1989), *app. for rev. granted*, 6 FCC Rcd. 1493 (1991). Great Scott claims the reallocation to Fruitland will provide a second night time aural service to 647 people within a 104 square kilometer area. It appears, however, that Great Scott's engineering analysis did not include service from existing AM stations. *See, Great Scott Engineering Exhibit E-5.*

*D. The Be-More Proposal is Preferred Since it Proposes
The Reallocation of an Unbuilt Station.*

Be-More proposes to reallocate an unbuilt station. Be-More's underlying construction permit does not require that the station be built until April 24, 2001. Since the station has not been built and will not be built for quite some time, the reallocation will not result in the loss of an operating station or the loss of service on which the public relies. On the other hand, Great Scott's WKHI(FM) has been operating in Exmore, Virginia for over 10 years and is the only operating station in Exmore. The Commission has long held that reallocation of a nonoperating station does not raise the same

³ In addition to information provided in Exhibit 1, information was provided by the Cheriton Crestar Bank and a chamber of commerce. Most of the above businesses are within the city limits of Cheriton.

public interest concerns as a reallocation of station which is currently providing service. *Sanibel and San Carlos Park, Florida*, 10 FCC Rcd. 7215 (MMB 1995), *Pawley's Island and Atlantic Beach, South Carolina*, 8 FCC Rcd. 8657 (MMB 1993), and *Glencoe and Le Sueur, Minnesota*, 7 FCC Rcd. 7651 (1992).

E. The Reallocation to Fruitland Is a Reallocation into the Salisbury Urbanized Area and Should Not Be Granted as First Local Service Preference.

A proposal to reallocate a channel to a suburban community, as proposed by Great Scott, does not automatically mean the proposed suburban community should be granted a first local service preference. The Commission considers evidence under three factors to determine whether a suburban community deserves a first local service preference: (1) signal population coverage; (2) the size and proximity of the suburban community relative to the adjacent communities; and (3) the interdependence of the suburban community with a central city. *See, Faye and Richard Tuck*, 3 FCC Rcd. 5374 (1988); *Headland, Alabama and Chattahoochee, Florida*, 10 FCC Rcd. 10352 (1995).

Under the Commission's *Tuck* analysis, Fruitland is not entitled to a first local service preference. It appears that the Great Scott proposal will result in a 70 dbu signal of over 50% or more of the Salisbury urbanized area. *See, Exhibit 3*. Assuming maximum facilities for Channel 298B1 at the proposed site, the city grade contour would encompass at last 50% of Salisbury.⁴ The size and proximity of Fruitland relative to Salisbury further supports that the proposed reallocation is in reality a move to Salisbury. Fruitland is adjacent to Salisbury and in spots shares boundaries with Salisbury. *See Exhibit 4*. Fruitland is also a much smaller community, with a population of

⁴ Salisbury is the 163 Neilson DMA Market and the 164 Radio Market. *See, Broadcasting and Cable Yearbook, 1999*.

3,511, compared to Salisbury's population of 20,592 (1990). Lastly, it is evident even from the materials provided by Great Scott in its Petition for Rulemaking that Fruitland is interdependent with Salisbury. For example, Fruitland considers that it has an available work of 43,910 people, 8 auto rental companies, 14 taxi companies, 60 trucking companies, 13 FM radio stations, 3 television stations, a retail market area of 332,000 with total retail sales in 1993 of \$581,6120,000 as well as a 751 bed hospital. *See Petition for Rulemaking Attachment 2.* The vast majority of these services and people aren't located in Fruitland but in the Salisbury metro area. *See, Exhibit 4.* In describing Fruitland, the Fruitland Economic Development Commission states, "Fruitland's proximity to Salisbury gives us the best of both worlds, ready access to a wide variety of services along with gracious small town living." It is evident that Fruitland greatly relies on the services provided by Salisbury. In describing Fruitland's history, the Fruitland Economic Development Commission states, "Fruitland was not incorporated until 1947 when the population began to expand rapidly because of its closeness to Salisbury." *See, Petition for Rulemaking, Attachment 2.* Under the *Tuck* analysis, Fruitland is not entitled to a first local service preference.

3. Conclusion.

Be-More is supportive of reallocation of both channels as proposed in the *NOPR*. Exmore will continue to be serviced by neighboring Channel 252A in Nassawadox, Virginia. In the event, however, the Commission determines that only one of the proposals can be granted, the Be-More proposal is preferred. Be-More is a permittee that proposes to move an unbuilt station. There would, therefore, be no noticeable loss of service. The Great Scott proposal is in reality a reallocation of another station to Salisbury, an already well served area.

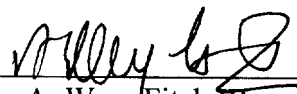
-- 6 --

Be-More reasserts its intent to file for and build as expeditiously as possible a new station on Channel 291B (or 291B1) reallocated to Cheriton, Virginia.

Respectfully submitted,

BE-MORE BROADCASTING

GAMMON & GRANGE, P.C.
8280 Greensboro Drive, 7th Floor
McLean, VA 22102-3807
(703) 761-5000

By: 
A. Wray Fitch III

January 31, 2000

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EXHIBIT 1

**Click ON THE IMAGE**

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U.S. Census Bureau**U.S. Gazetteer**

Select one of the following matches to your query to look at that place in the Tiger Map Browser or retrieve 1990 Census tables.

You can search this index. Type the keyword(s) you want to search for:

- **Cheriton, VA (town)**
Population (1990): 515
Location: 37.28797 N, 75.96762 W
Zip Code(s): 23310
[Browse Tiger Map](#) of area.
[Lookup 1990 Census STF1A, STF3A](#) tables.

***Note:** This dataset is derived from the Census GICS and does not contain unincorporated place names.

For other geographic entities, try searching the *USGS Geographic Names Information System* .
The US Gazetteer Place and Zipcode files used in this service is available for downloading.

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USCENSUSBUREAU

Helping You Make Informed Decisions

D-1. General Population and Housing Characteristics: 1990**Geographic Area: Cheriton town, Virginia**

Subject	Number
Total population	515
SEX	
Male	225
Female	290
AGE	
Under 5 years	31
5 to 17 years	93
18 to 20 years	20
21 to 24 years	20
25 to 44 years	143
45 to 54 years	50
55 to 59 years	29
60 to 64 years	30
65 to 74 years	46
75 to 84 years	43
85 years and over	10
Under 18 years	124
65 years and over	99
HOUSEHOLDS BY TYPE	
Total households	220
Family households (families)	135
Married-couple families	104
Other family, male householder	5
Other family, female householder	26
Nonfamily households	85
Householder living alone	78
Householder 65 years and over	41
Persons living in households	515
Persons per household	2.34
GROUP QUARTERS	
Persons living in group quarters	0
Institutionalized persons	0
Other persons in group quarters	0
RACE AND HISPANIC ORIGIN	
White	359
Black	132
American Indian, Eskimo, or Aleut	0
Asian or Pacific Islander	5
Other race	19
Hispanic origin (of any race)	22
Total housing units	246
OCCUPANCY AND TENURE	
Occupied housing units	220
Owner occupied	148
Renter occupied	72
Vacant housing units	26
For seasonal, recreational, or occasional use	5
Homeowner vacancy rate	2.6
Rental vacancy rate	7.7
Persons per owner-occupied unit	2.30
Persons per renter-occupied unit	2.43
Units with over 1 person per room	9
UNITS IN STRUCTURE	
1-unit detached	219
1-unit attached	2
2 to 4 units	7
5 to 9 units	0
10 or more units	0
Mobile home, trailer, or other	18
VALUE	
Specified owner-occupied housing units	126
Less than \$50,000	69

\$50,000 to \$99,999	49
\$100,000 to \$149,999	7
\$150,000 to \$199,999	1
\$200,000 to \$299,999	0
\$300,000 or more	0
Median (dollars)	45,000
CONTRACT RENT	
Specified renter-occupied housing units paying cash rent	64
Less than \$250	59
\$250 to \$499	5
\$500 to \$749	0
\$750 to \$999	0
\$1,000 or more	0
Median (dollars)	115
RACE AND HISPANIC ORIGIN OF HOUSEHOLDER	
Occupied housing units	220
White	161
Black	56
American Indian, Eskimo, or Aleut	0
Asian or Pacific Islander	0
Other race	3
Hispanic origin (of any race)	4

(X) Not applicable

Source: U.S. Bureau of the Census, 1990 Census of Population and Housing, Summary Tape File 1 (100% Data)

Matrices P1, P3, P5, P6, P8, P11, P15, P16, P23, H1, H2, H3, H5, H8, H10, H18A, H21, H23, H23B, H32, H32B, H41.

NOTE TO ALL DATA USERS: All survey and census results contain measurement error and may contain sampling error. Information about these potential errors is provided or referenced with the data or the source of the data. The Census Bureau recommends that data users incorporate this information into their analyses as these errors could impact inferences. Researchers analyzing data to create their own estimates are responsible for the validity of those estimates and should not cite the Census Bureau as the source of the estimates but only as the source of the core data.

We have modified some data to protect individuals' privacy, but in a way that preserves the usefulness of the data.

(external system)



Cheriton

Between the Bay and Sea B&B
Elderberry House

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Phone #: (757) 331-4074

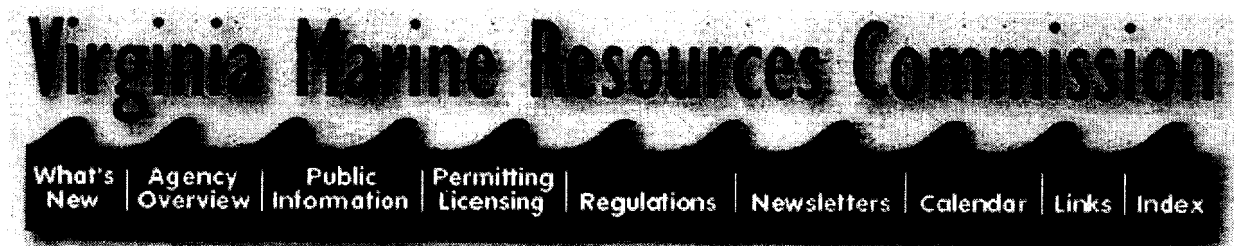
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Revised: 7 January 98

Shellfish Counties Map for Dealers

Cities/Towns Under Field Office Supervision For Dealer Certification		
Accomac Field Office P.O. Box 88 - Old Rt. 13 Accomac, VA 23301 (804) 787-5864 (804) 787-5865 (fax) Paul H. Widgen, Field Director	Norfolk Field Office 401-A Colley Ave. Norfolk, VA 23507 (804) 683-8461 (804) 683-8482 (fax) John S. Alman, Field Director	White Stone Field Office P.O. Box 241 White Stone, VA 22578 (804) 435-1095 (804) 435-6948 (fax) Carroll J. VanLandingham, Field Director
Accomac	Ark	Bohannon
Atlantic	Battery Park	Burgess
Bell Haven	Bena	Callao
Bloxom	Chesapeake	Center Cross
Cape Charles	Gloucester	Churchview
Cheriton	Gloucester Point	Cobbs Creek
Chincoteague	Grafton	Colonial Beach
Eastville	Hampton	Deltaville
Exmore	Hayes	Farnham
Greenbackville	Lackey	Grimstead
Greenbush	Newport News	Gwynn
Hacksneck	Norfolk	Hague
Harborton	Poquoson	Heathsville
Machipongo	Portsmouth	Hudgins
Mappsville	Rescue	Irvington
Marionville	Seaford	Kilmarnock
Melfa	Severn	Kinsale
Nassawadox	Smithfield	Lancaster
New Church	Suffolk	Lottsburg
Onancock	Surry	Manassas
Onley	Virginia Beach	Mathews
Oyster	White Marsh	Mollusk
Parksley	Williamsburg	Montross
Quinby	Wood Cross Roads	Morattico
Sanford	Yorktown	Reedville
Saxis		Remlik

Temperenceville		Sharps
Wachapreague		Topping
Wattsville		Urbanna
Willis Wharf		Ware Neck
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**P.O. Box 545
Cheriton, VA 23316**

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EASTERN SHORE RURAL HEALTH SYSTEMS, INC.

MEMO

Tuesday, December 1, 1998 (posted on the ESRH Web site - 12/28/1998)

TO: Whom It May Concern

FROM: Evan F. Clements, MIS Coordinator

RE: Year 2000 Compliance

Eastern Shore Rural Health is a system of care located on the Eastern Shore of Virginia. Our system comprises the following sites -

Eastern Shore Rural Health - Corporate Office

PO Box 1039, 9434 Hospital Ave.

Nassawadox, Virginia 23413

Atlantic Community Health Center

(formerly known as Atlantic Medical Center)

PO Box 130

Oak Hall, Virginia 23416

Bayview Community Health Center

(formerly known as Bayview Medical Center)

PO Box 970

Cheriton, Virginia 23316

Franktown Community Health Center

(formerly known as Children's Health Center)

PO Box 9

Franktown, Virginia 23354



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Main Office



25253 Lankford Hwy * Onley, Va. 23418

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Drive-In: Mon-Thurs 8 - 5, Fri 8-7

24 Hour Drive Up ATM



Chincoteague Branch

Cheriton Branch



21220 N. Bayside Dr. * Cheriton, Va. 23316

(757) 331-3800

Lobby/Drive-In: Mon-Thurs 9-2, Fri 9-2 & 4 pm - 6 pm

Now Open

Parksley Branch



18426 Dunne Ave., Parksley Virginia 23421

(757) 665-4188

Lobby: Mon-Thurs 9-4, Fri. 9-6

Drive-In: Mon-Thurs 8 - 5, Fri 8-7

24 Hour Walk Up ATM



COMMONWEALTH OF VIRGINIA



OFFICE OF THE GOVERNOR PRESS OFFICE

News Release

Contact: Mark A. Miner
Phone: (804) 692-3110
Pager: (888) 646-5017

For Immediate Release
Jan. 28, 1999

Governor Gilmore Announces Energy Recovery Expansion

-Company's expansion in Northampton County will result in 50 new jobs for
Eastern Shore-

CAPE CHARLES, VA - Governor Jim Gilmore today announced that Energy Recovery, Inc. (ERI) has chosen the Cape Charles Sustainable Technology Park for its manufacturing and research and development operations. The company plans to hire 50 employees through a \$2.5 million investment.

"This announcement will bring hope and opportunity to communities throughout the Eastern Shore like Bayview and Cheriton," Governor Gilmore said. "Energy Recovery's decision to locate in Northampton County will enhance Virginia's position as a leader for companies involved in the most advanced 21st century technologies."

ERI was founded in Virginia in 1992 and is owned by a group of international investors. The company is devoted to the commercialization of its proprietary Pressure Exchanger (PE) technology, which will improve many wasteful pumping processes and make sea water desalination very affordable for any coastal community worldwide. The development effort has involved several international companies and institutions as venture partners including the Norwegian Hydrotechnical Laboratories, Kuwait Institute for Scientific Research, Thyssen Nordseewerke GmbH, Newport News Shipbuilding, Oak Ridge National Laboratory and HOH Water Technologies.

"The Cape Charles Sustainable Technology Park provides the ideal environment to

showcase our products and the evolving technology," President of ERI Leif J. Hauge said. "We're pleased to be part of America's first eco-industrial park."

Eco-industrial parks are designed to maximize efficient use of energy and resources while eliminating waste and pollution. The Cape Charles eco-industrial facility is developed and managed by the Sustainable Technology Park Authority, which was created by Northampton County and the Town of Cape Charles. The National Oceanic and Atmospheric Administration and the Virginia Coastal Program funded the design of the park. Since 1990, the Virginia Coastal Resources Management Program of the Department of Environmental Quality has provided more than \$1.8 million in grants for sustainable and related projects in Northampton County.

The Governor approved \$170,000 from the Governor's Opportunity Fund for the project - the first GOF ever granted to the Eastern Shore. The Virginia Economic Development Partnership, the Sustainable Technology Park Authority, Virginia's Center for Innovative Technology and the Virginia Eastern Shore Economic Development Commission assisted the company with its decision. The Virginia Department of Business Assistance will provide workforce training services.

####

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Eastern Shore of Virginia

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Recent Business News & Notes

August 1999: The second **Spaceflight Academy on Virginia's Eastern Shore**, a summer camp for students aged 12-17, was conducted over the last 2 weeks of July and the first week in August. The summer camp focuses on rocketry and space science and is co-sponsored by the Virginia Space Flight Center, NASA Wallops Flight Facility, Old Dominion University and the Eastern Shore of Virginia Regional Partnership.

June 1999: **Powercat, N.A.** announced it will locate a manufacturing facility on the Eastern Shore of Virginia near the town of Cheriton. The company makes power catamaran boats. It plans to begin operations by the end of the year and soon hire about 30 employees. Expansion in the year 2000 could raise employment to 95. The company is making a \$2,500,000 to \$3,000,000 investment in buildings, equipment, and working capital.



June 11 1999: At an awards luncheon in Richmond, the U.S. Small Business Administration named **Bay Beyond Inc's** Pamela Barefoot the Virginia Small Business Person of the Year. Virginia Governor Jim Gilmore and SBA District Director Charles Gaston presented the award. Bay Beyond Inc. markets three lines of specialty foods: Blue Crab Bay Co., Salmonberry Trading Co., and Watts Island Trading Company. The company is located in Accomack Airport Industrial Park.

January 1999: Virginia Governor Jim Gilmore announced that **Energy Recovery Inc.** has chosen the Cape Charles Sustainable Technology Park for its manufacturing and research and development operations. The company plans to hire 50 employees through a \$2.5 million investment. Energy Recovery Inc was founded in Virginia in 1992 and is owned by a group of international investors. The company is devoted to the commercialization of its proprietary Pressure Exchanger (PE) technology, which will improve many wasteful pumping processes and make sea water desalination affordable for coastal communities worldwide. "The Cape Charles Sustainable Technology Park provides the ideal environment to showcase our products and the evolving technology," President of ERI Leif Hauge said. "We're pleased to be part of America's first eco-industrial park."

September 1998: Virginia's Governor, two U.S. Senators and three U.S. Congressmen were on hand for the official opening of the **Virginia Space Flight Center** September 12. At the ribbon-cutting ceremony Governor Jim Gilmore announced that **DynCorp** (one of the largest employee-owned technology and services companies in the United States) will invest \$4.5 million in the spaceport and will operate and market the facility. The VSFC is a commercial spaceport located on Wallops Island, Eastern Shore of Virginia. Construction of the Virginia Space Flight Center's new launch pad began March 3. The VSFC is one of three

EXHIBIT 2

CARL T. JONES
CORPORATION

STATEMENT OF WILLIAM J. GETZ
IN SUPPORT OF COMMENTS IN
MM DOCKET NO. 99-347, RM-9751

Petitioner: Be-More Broadcasting

I am a Radio Engineer, an employee in the firm of Carl T. Jones Corporation with offices located in Springfield, Virginia. My education and experience are a matter of record with the Federal Communications Commission.

This office has been authorized by Be-More Broadcasting, lead petitioner in the above referenced proceeding, to prepare this statement and the associated exhibits as Comments in support of a Petition to Amend the FM Table of Allotments, Section 73.202(b) of the FCC Rules. On December 1, 1999, the Allocations Branch adopted a Notice of Proposed Rulemaking ("NPRM") setting forth the petitioner's requests to modify Section 73.202(b) of the FCC Rules in the following manner:

	<u>Present</u>	<u>Proposed</u>
Exmore, VA	291B1, 298B	298B
Cheriton, VA	----	291B*

* The FCC's Notice of Proposed Rulemaking (NPRM) specified 291B1 as petitioner's requested channel in Cheriton.

STATEMENT OF WILLIAM J. GETZ
PAGE 2

The NPRM also requested that the petitioner provide gain and loss area studies related to the proposed arrangement of allotments (Class B facility in Exmore vs. a Class B1 facility in Cheriton). The gain and loss area studies are provided herein consider either a Class B or Class B1 facility in Cheriton.

Exhibit 1 shows the primary service (57 dBu maximum Class B1 circle) gain and loss areas attributable to petitioner's proposed reallocation of Channel 291 to Cheriton. The Class B1 facility in Cheriton will provide primary service to an unpopulated gain area of 14.2 km². The loss area associated with a Class B1 facility in Cheriton relative to a Class B1 facility in Exmore covers a land area of 254.3 km² and contains a population of 6,920 persons. The entire gain and loss area is served by 5 or more aural services during daytime hours (See Exhibit 2). During nighttime hours (See Exhibit 3) the petitioner's proposed arrangement of allotments will create the following areas which are predicted to receive less than 5 aural services: 2 aural service (13.4 km², population 191); 3 aural services (48.4 km², population 1,434); 4 aural services (11.4 km², population 372). The remainder of the nighttime gain and loss areas are served by 5 or more aural services.

The loss area associated with a Class B facility in Cheriton relative to a Class B1 facility in Exmore covers a land area of 35.1 km² and contains a population of 191 persons. The entire gain and loss area is served by 5 or more aural services during daytime hours (See Exhibit 2). During nighttime hours (See Exhibit 3) the petitioner's

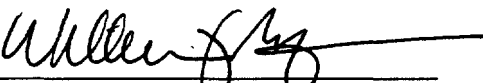
STATEMENT OF WILLIAM J. GETZ
PAGE 3

proposed arrangement of allotments will create the following areas which are predicted to receive less than 5 aural services: 2 aural service (11.4 km², population 191); 3 aural services (11.7 km², population 0); 4 aural services (1.0 km², population 0). The remainder of the nighttime gain and loss areas are served by 5 or more aural services.

For the FM stations considered herein, the primary service coverage is the maximum Class circles computed without considering terrain effects.¹ The area and population figures were determined using appropriate computer software applications.²

This statement and the associated exhibits were prepared by me or under my direct supervision and are believed to be true and correct.

DATED: January 31, 1999



William J. Getz

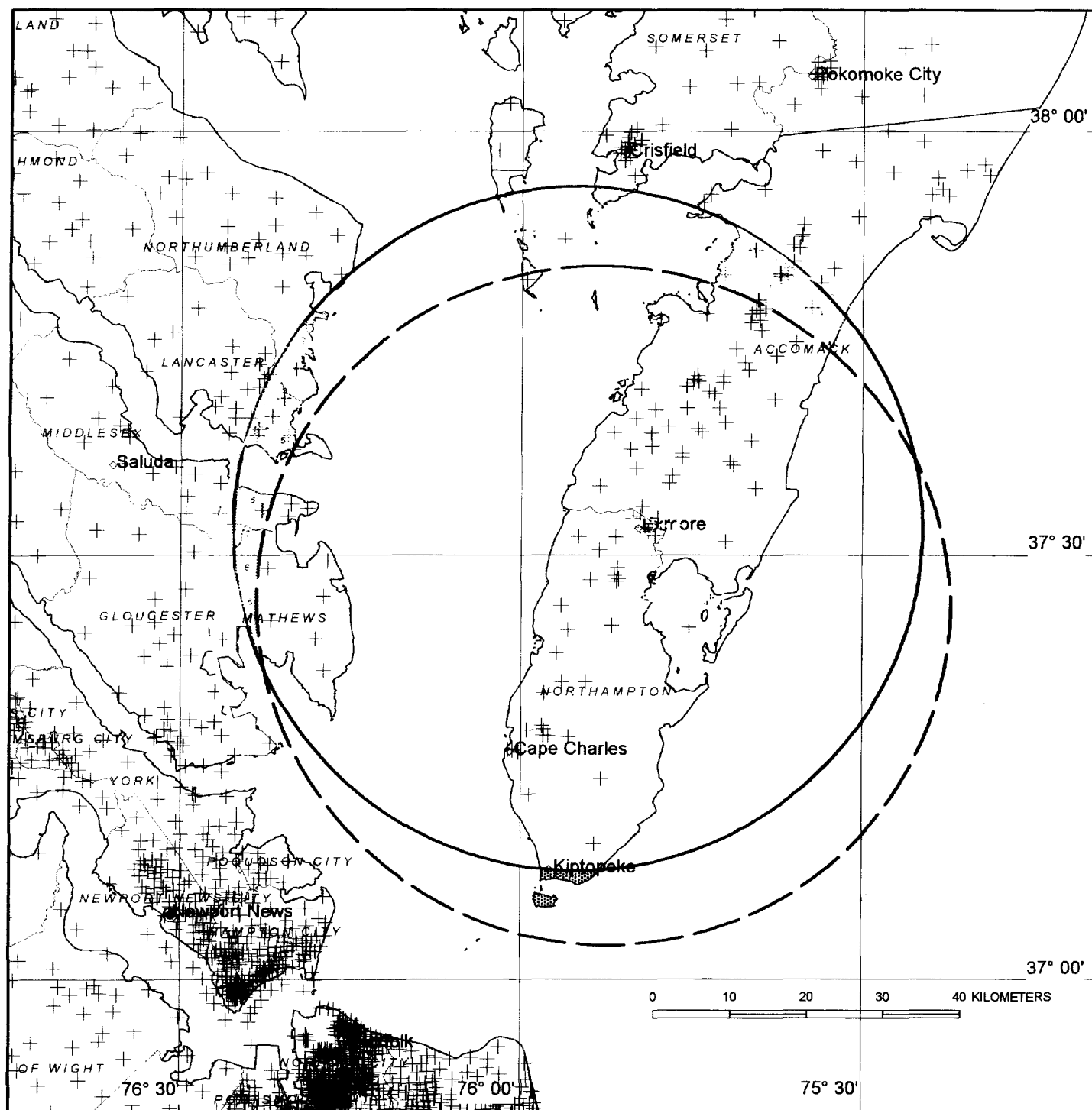
¹ For the Class A, Class B and Class B1 FM stations considered herein, the primary service circles represented on the attached exhibits are the 60 dBu contour (28.3 km radius circle), the 54 dBu contour (52.2 km radius circle) and the 57 dBu contour (39.1 km radius circle), respectively. For AM stations, the 0.5 mV/m groundwave primary service contour was considered during daytime hours and the nighttime interference-free contour was considered for nighttime primary service.

² The population was determined using the computerized block centroid retrieval methodology, recognized by the U.S. Census Bureau as a more accurate means of determining population within a given area than the uniform distribution method. See the October 9, 1992 *Letter from Chief, Audio Services Division to Larry W. Hill*, reference No. 1800B3-ESR.

Primary Service 57 dBu Gain Area (Green Shaded)
 Primary Service 57 dBu Loss Area (Red Shaded)

EXHIBIT 1

+ 1990 U.S. Census Population Centroid



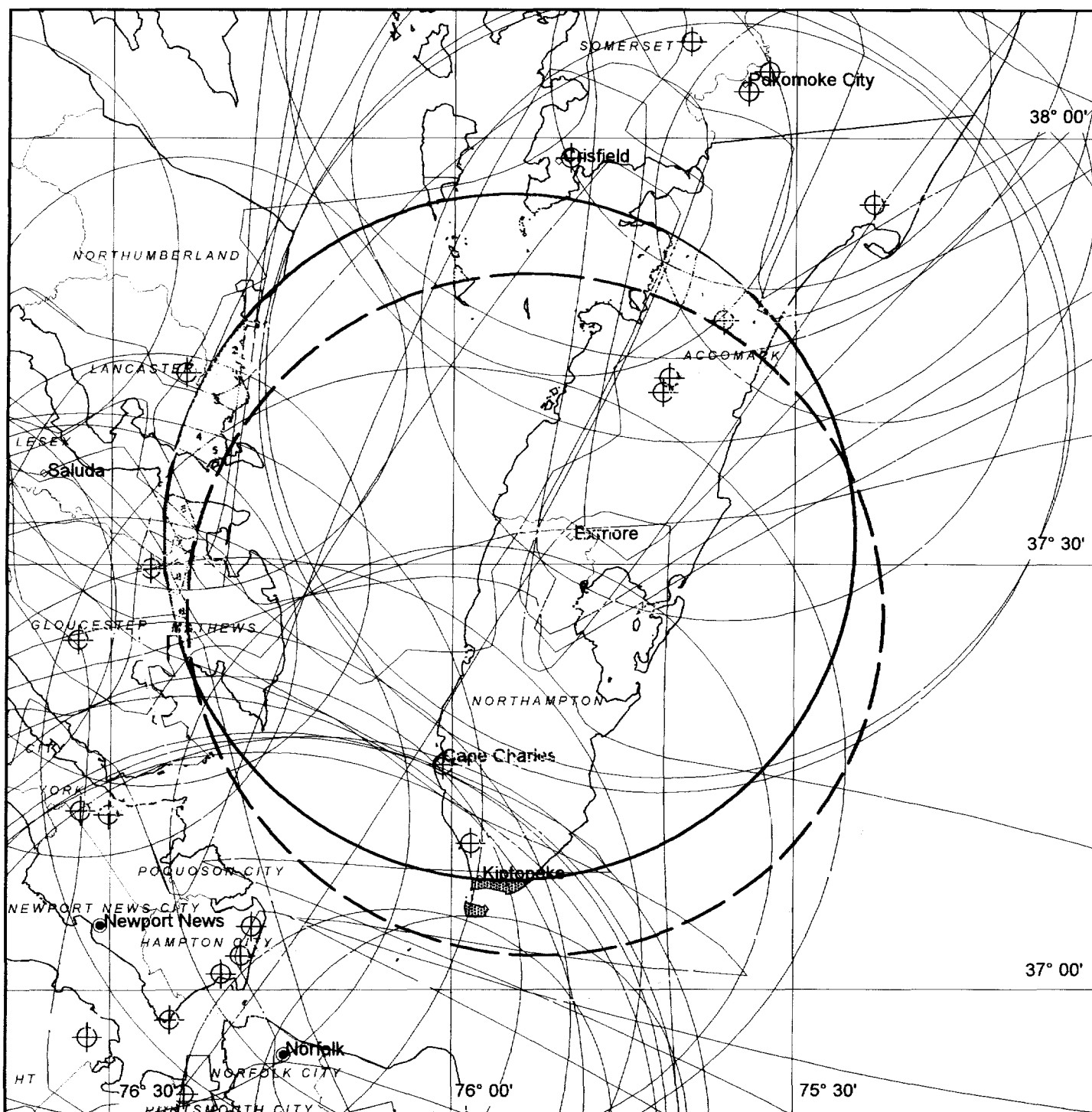
NEW(FM), EXMORE, VA [CURRENT ALLOC]
 Ch. 291B1, 25 kW, 100 m HAAT [MAX CLASS CIRCLE]
BLACK SOLID CONTOUR

NEW(FM), CHERITON, VA [PROPOSED ALLOC]
 Ch. 291B1, 25 kW, 100 m HAAT [MAX CLASS CIRCLE]
B1 - BLACK DASHED CONTOUR
B - RED SOLID CONTOUR

RULEMAKING GAIN AND LOSS AREAS
EXMORE AND CHERITON, VIRGINIA
MM DOCKET NO. 99-347, RM-9751
JANUARY, 2000

CARL T. JONES
 CORPORATION

Primary Service 57 dBu Gain Area (Green Shaded)
 Primary Service 57 dBu Loss Area (Red Shaded)



NEW(FM), EXMORE, VA [CURRENT ALLOC]
 Ch. 291B1, 25 kW, 100 m HAAT [MAX CLASS CIRCLE]
BLACK SOLID CONTOUR

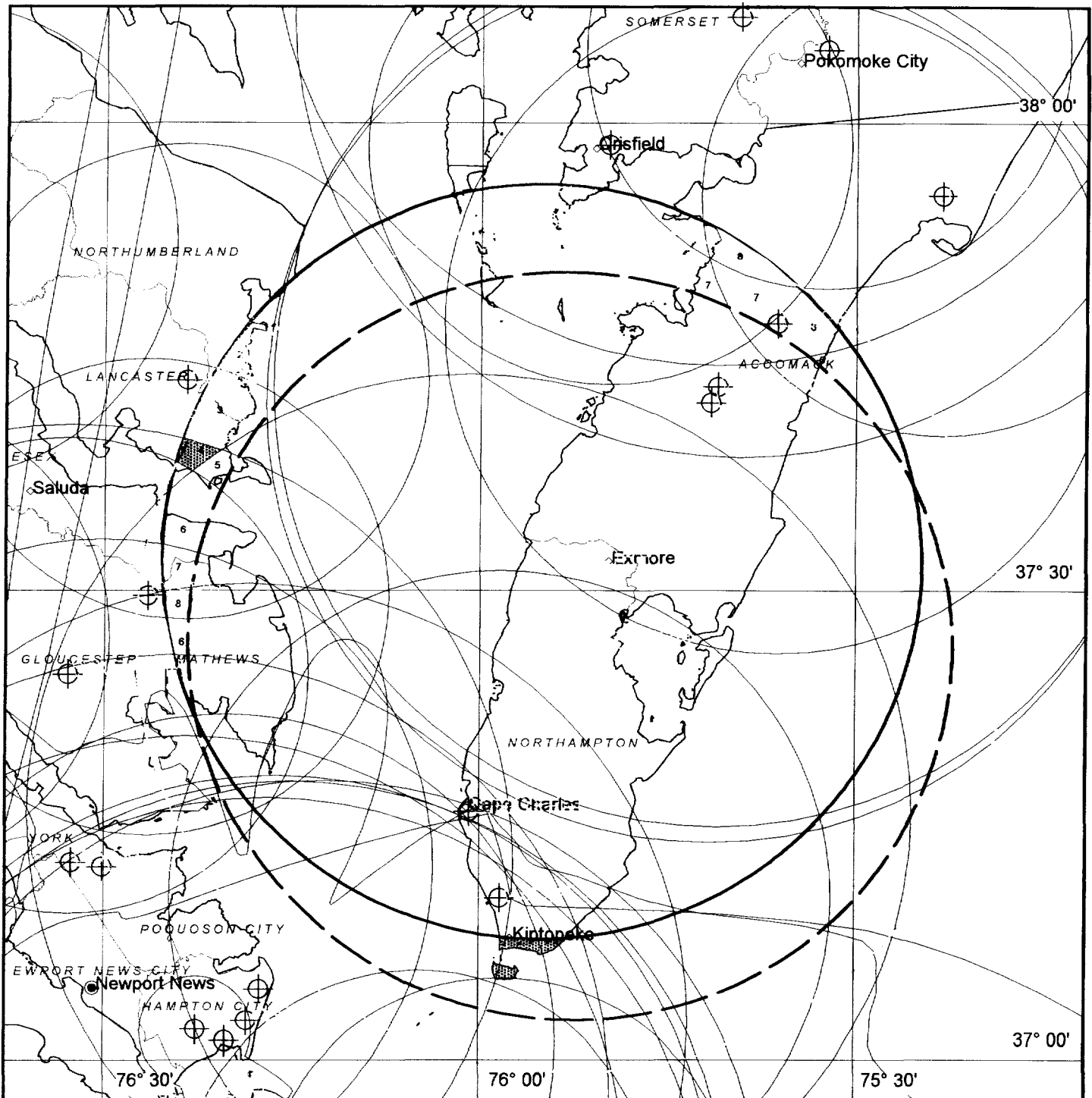
NEW(FM), CHERITON, VA [PROPOSED ALLOC]
 Ch. 291B1, 25 kW, 100 m HAAT [MAX CLASS CIRCLE]
B1 - BLACK DASHED CONTOUR
B - RED DASHED CONTOUR

**RULEMAKING OTHER DAYTIME SERVICES
 TO GAIN AND LOSS AREAS
 EXMORE AND CHERITON, VIRGINIA
 MM DOCKET NO. 99-347, RM-9751
 JANUARY, 2000**

CARL T. JONES
 CORPORATION

Primary Service 57 dBu Gain Area (Green Shaded)
 Primary Service 57 dBu Loss Area (Red Shaded)
 2 services (yellow shaded)
 3 services (magenta shaded)
 4 services (green shaded)

EXHIBIT 3



NEW(FM), EXMORE, VA [CURRENT ALLOC]
 Ch. 291B1, 25 kW, 100 m HAAT [MAX CLASS CIRCLE]
BLACK SOLID CONTOUR

NEW(FM), CHERITON, VA [PROPOSED ALLOC]
 Ch. 291B1, 25 kW, 100 m HAAT [MAX CLASS CIRCLE]
B1 - BLACK DASHED CONTOUR
B - RED SOLID CONTOUR

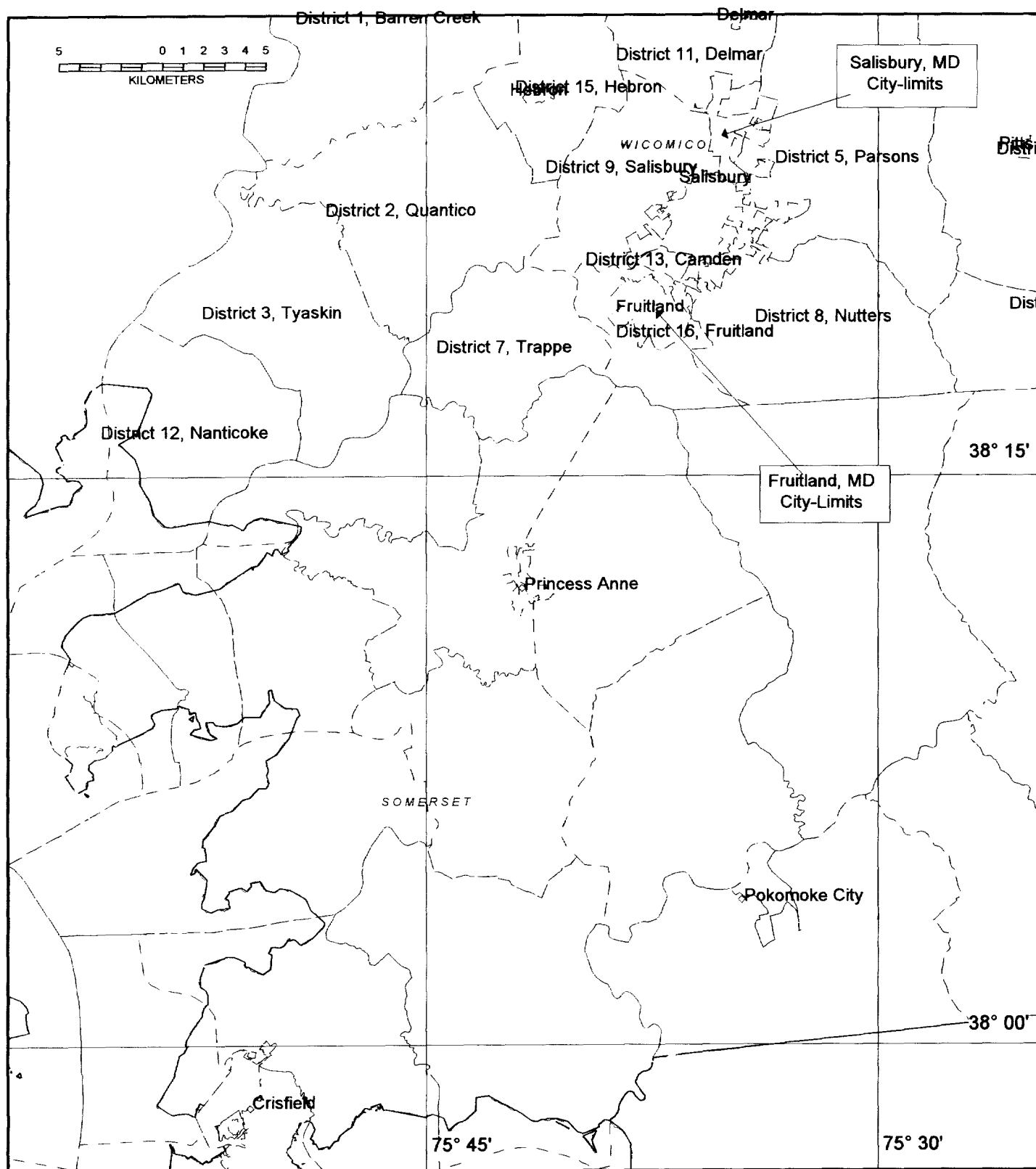
**RULEMAKING OTHER NIGHTTIME SERVICES
 TO GAIN AND LOSS AREAS
 EXMORE AND CHERITON, VIRGINIA
 MM DOCKET NO. 99-347, RM-9751
 JANUARY, 2000**

CARL T. JONES
 CORPORATION

EXHIBIT 3

A maximum Class B1 facility operating from the Fruitland, MD, Channel 298B1 reference coordinates produces a city grade circle which covers 68.1 % of the Salisbury, MD, city-limits.

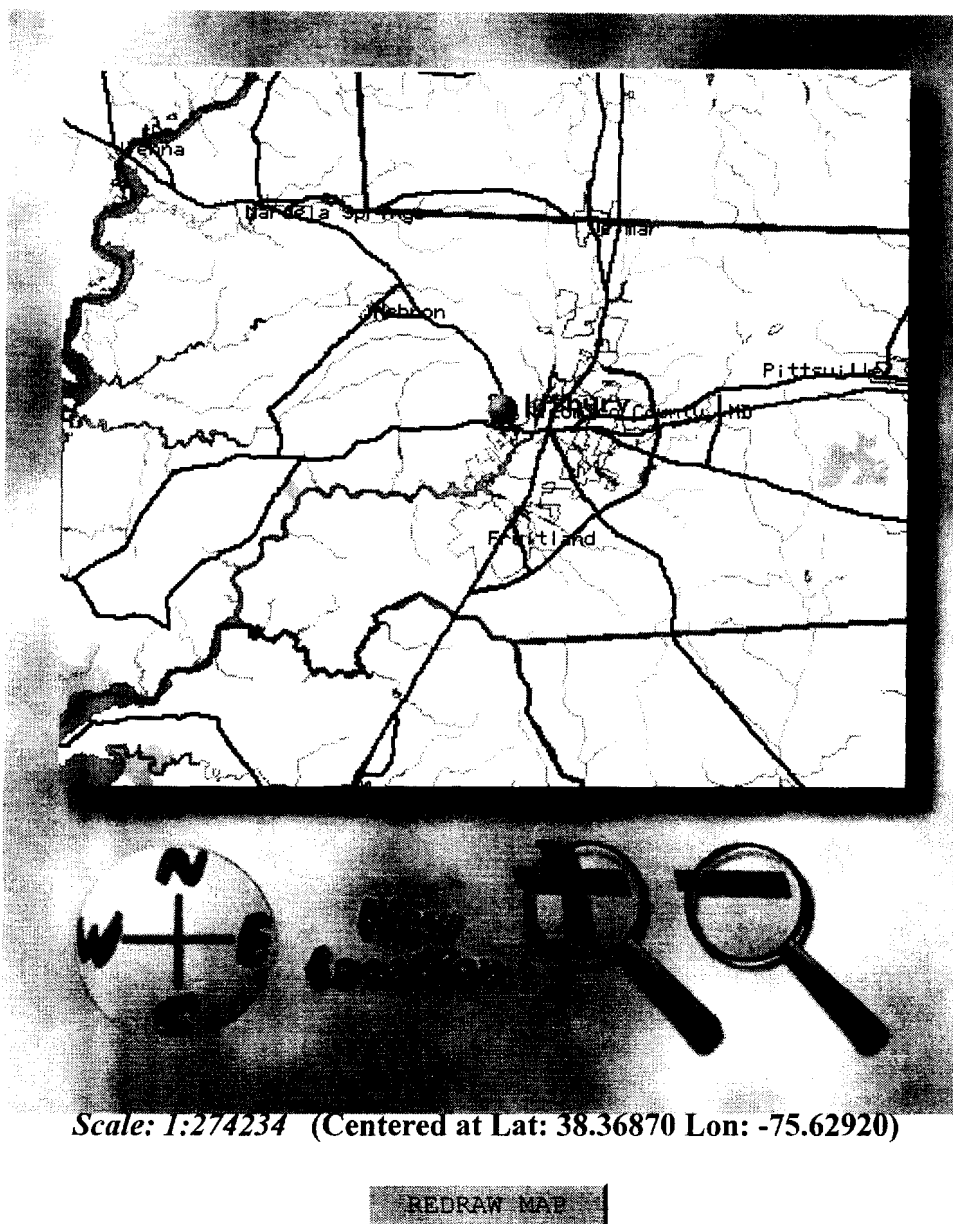
EXHIBIT A



**PREDICTED MAXIMUM CLASS B1
CITY-GRADE COVERAGE CONTOUR
FRUITLAND, MARYLAND
CH. 298B1, 25.0 kW, 100 m HAAT
JANUARY, 2000**

CARL T. JONES
CORPORATION

EXHIBIT 4

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| <input type="checkbox"/> <input type="checkbox"/> Grid (lat/lon) | <input type="checkbox"/> <input type="checkbox"/> |
| <input type="checkbox"/> <input type="checkbox"/> Cens bg points | <input type="checkbox"/> <input type="checkbox"/> |
| <input type="checkbox"/> <input type="checkbox"/> Cens bg bounds | <input type="checkbox"/> <input type="checkbox"/> |
| <input type="checkbox"/> <input type="checkbox"/> Congress dist | <input type="checkbox"/> <input type="checkbox"/> |
| <input type="checkbox"/> <input type="checkbox"/> Counties | <input type="checkbox"/> <input type="checkbox"/> |
| <input type="checkbox"/> <input type="checkbox"/> Indian Resv | |
| <input type="checkbox"/> <input type="checkbox"/> Highways | |
| <input type="checkbox"/> <input type="checkbox"/> Parks and Other | |
| <input type="checkbox"/> <input type="checkbox"/> MSA/CMSA | |
| <input type="checkbox"/> <input type="checkbox"/> Cities/Towns | |
| <input type="checkbox"/> <input type="checkbox"/> Railroad | |
| <input type="checkbox"/> <input type="checkbox"/> Shoreline | |
| <input type="checkbox"/> <input type="checkbox"/> Streets | |
| <input type="checkbox"/> <input type="checkbox"/> Census Tracts | |

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[Parking garages & services](#)
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[Trailer rentals](#)
[Truck rentals](#)

Searched for: **car rental** in category: **Car rentals in fruitland**

Found: **1 business**

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Rent-a-wreck
 Route 13 S & Broadway,
 Fruitland, MD

(410) 860-5466

All Search results: Page (1 of 1)

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car rental

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[Truck rentals](#)

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1200 N Salisbury Boulevard,
Salisbury, MD | (410) 543-8855 |
| map | Avis Rent A Car
2516 N Salisbury Blvd,
Salisbury, MD | (410) 543-0888 |
| | Avis Rent A Car
5485 Airport Terminal Rd # H,
Salisbury, MD | (410) 742-8566 |
| map | Car Temps USA
1915 N Salisbury Blvd,
Salisbury, MD | (410) 742-4700 |
| map | Enterprise Rent A Car
1720 N Salisbury Blvd,
Salisbury, MD | (410) 742-2200 |
| | Hertz Rent-a-car
5485 Airport Terminal Road # D,
Salisbury, MD | (410) 749-2235 |
| | National Car Rental
5485 Airport Terminal Rd # F,
Salisbury, MD | (410) 749-2450 |
| map | Price Buick-Pontiac
2016 N Salisbury Blvd,
Salisbury, MD | (410) 742-1106 |

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|---|--------------------------------|
| Darby's Taxi Svc
700 E Lincoln Ave,
Salisbury, MD | (410) 543-1818
(3.0 miles) |
| Doug's Taxi Svc
800 College Lane # H,
Salisbury, MD | (410) 749-2723
(3.2 miles) |
| Gene's Taxi Company
600 S Division St,
Salisbury, MD | (410) 742-4444
(3.2 miles) |
| Ideal Cab Company
Powhatan Blvd & Rte 50,
Salisbury, MD | (410) 742-3200
(3.5 miles) |
| Bailey's Taxi Svc
336 Lake St,
Salisbury, MD | (410) 546-4025
(3.7 miles) |
| Delmarva Cab Company
806 West Rd,
Salisbury, MD | (410) 219-3677
(4.0 miles) |
| Family Cab Svc
702 Rose St,
Salisbury, MD | (410) 543-4462
(4.1 miles) |
| North End Taxi
507 Woodlyn St,
Salisbury, MD | (410) 546-1417
(4.4 miles) |
| Salisbury Taxi Company
1302 Old Ocean City Rd,
Salisbury, MD | (410) 742-6666
(4.6 miles) |
| Yellow Cab
1302 Old Ocean City Rd,
Salisbury, MD | (410) 749-3500
(4.6 miles) |
| Miss Kitty's
11835 Somerset Ave,
Princess Anne, MD | (410) 651-3773
(8.9 miles) |
| Family Taxi
11847 Somerset Avenue,
Princess Anne, MD | (410) 651-4675
(8.9 miles) |
| Ace Taxi
202 S Main St,
Berlin, MD | (410) 524-8294
(21.6 miles) |
| White's Taxi
Rte 113,
Berlin, MD | (410) 641-3727
(21.8 miles) |
| Smith's Taxi
10624 Flower St,
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map	Waterview Healthcare Center 105 Time Sq, Salisbury, MD	(410) 749-2474 (3.4 miles)
	Deer's Head Center 351 Deers Head Hospital Road, Salisbury, MD	(410) 543-4000 (3.8 miles)
map	Wicomico Nursing Home 900 Booth St, Salisbury, MD	(410) 742-8896 (4.3 miles)
map	Chesapeake Landing 1110 Healthway Dr, Salisbury, MD	(410) 546-9997 (4.3 miles)
map	Salisbury Center Genesis 200 Civic Ave, Salisbury, MD	(410) 749-1466 (4.5 miles)
	Mallard Landing Retirement 903 Winding Way, Salisbury, MD	(410) 749-2848 (4.7 miles)
	Manokin Manor 11974 Edgehill Terrace Rd, Princess Anne, MD	(410) 651-0011 (8.8 miles)
map	Chancellor Care Center 101 Delaware Ave, Delmar, DE	(302) 846-3077 (10.0 miles)
	Suburban Hospital/SNF 8600 Georgetown Rd, Bivalve, MD	(301) 896-2095 (15.0 miles)
map	Snow Hill Nursing & Rehab Center 430 W Market St, Snow Hill, MD	(410) 632-3755 (15.4 miles)
map	Hartley Hall 1006 Market St, Pocomoke City, MD	(410) 957-2252 (17.3 miles)
map	Berlin Nursing Home 9715 Healthway Dr, Berlin, MD	(410) 641-4400 (21.8 miles)
map	Atlantic General Comprehensive 9733 Healthway Dr, Berlin, MD	(410) 641-9244 (21.8 miles)
map	Gull Creek Retirement Community 1 Meadow St, Berlin, MD	(410) 641-3171 (22.2 miles)
map	Methodist Manor House 1001 Middleford Rd, Seaford, DE	(302) 629-4593 (22.5 miles)

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715 E King St,
map Seaford, DE (22.5 miles)
Seaford Retirement & Rehab Center (302) 629-3575
1100 Norman Eskridge Hwy,
map Seaford, DE (22.6 miles)

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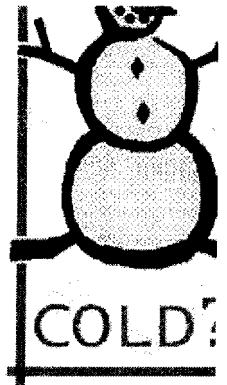
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100 Power St, Salisbury, MD	(2.0 miles)
map	
Three Lower Counties Community	(410) 219-1100
211 Maryland Avenue, Salisbury, MD	(3.1 miles)
map	
Blue Heron Medical	(410) 749-2922
560 Riverside Drive # A204, Salisbury, MD	(3.2 miles)
map	
Peninsula Surgery Center	(410) 546-0331
145 E Carroll St, Salisbury, MD	(3.4 miles)
map	
Main Street Medcenter	(410) 548-2700
727 E Main St, Salisbury, MD	(3.7 miles)
map	
Genesis Elder Care Center	(410) 749-1466
1104 Healthway Dr, Salisbury, MD	(4.3 miles)
map	
TLC Incorporated	(410) 651-9852
12137 Elm Street, Princess Anne, MD	(8.2 miles)
map	
TLC Incorporated	(410) 651-1000
30413 Mount Vernon Rd, Princess Anne, MD	(8.3 miles)
map	
Cheasapeake Health Svc	(410) 651-2204
11674 Somerset Ave, Princess Anne, MD	(8.8 miles)
map	
Genesis Center-Health & Rehab	(410) 957-3005
305 10th Street, Pocomoke City, MD	(17.4 miles)
map	
Atlantic General Health System	(410) 629-1500
9733 Healthway Dr, Berlin, MD	(21.8 miles)
map	
Nanticoke Hospital Maternity	(302) 629-7927
121 N Front St, Seaford, DE	(22.3 miles)
map	

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Found: **9 businesses**

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|---------------------|---|-----------------------|
| | Culver Enterprises | (410) 543-0994 |
| | 1305 S Division St,
Salisbury, MD | (1.9 miles) |
| map | | |
| | Bfi Incorporated | (410) 742-8246 |
| | 9140 Ocean Highway,
Delmar, MD | (6.9 miles) |
| map | | |
| | Shore Disposal Incorporated | (410) 742-2034 |
| | Us Rt 13 S,
Pocomoke City, MD | (17.6 miles) |
| | Shore Disposal Incorporated | (302) 856-9169 |
| | 1101 S Dual Hwy,
Seaford, DE | (21.0 miles) |
| map | | |
| | Tri-State Trash Removal Incorporated | (410) 208-6571 |
| | Berlin, MD | (23.5 miles) |
| | Jarmon's Sand & Gravel | (410) 641-0539 |
| | 10823 Ocean Gateway,
Berlin, MD | (23.7 miles) |
| map | | |
| | Handy Trash Removal | (302) 436-8497 |
| | Roxana Rd,
Selbyville, DE | (23.8 miles) |
| map | | |
| | Job-Site Disposal | (410) 352-5108 |
| | 10510 Hotel Rd,
Bishopville, MD | (23.8 miles) |
| map | | |
| | Southern Solid Waste Facility | (302) 875-3448 |
| | Rte 20,
Millsboro, DE | (24.7 miles) |

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Searched for: **Telecommunications services** in category: **Telephone companies** nearest **fruitland**

Found: **1 business**

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All Search results: Page (1 of 1)

Staples Communications
1000 N Salisbury Boulevard,
map Salisbury, MD

(410) 742-1900

(4.4 miles)

All Search results: Page (1 of 1)

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Searched for: **Art galleries & studios** in category:
Art galleries & dealers nearest fruitland

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All Search results: Page (1 of 1)



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- | | | |
|-----|---|--------------------------------|
| map | Salisbury Art & Framing
213 North Blvd.
Salisbury, MD | (410) 742-9522
(2.9 miles) |
| map | Gallery
625 S Division St.
Salisbury, MD | (410) 742-2880
(3.2 miles) |
| map | Cheryl's Repeat Boutique
235 W Main St.
Salisbury, MD | (410) 543-2999
(3.5 miles) |
| map | Finer Side
205 Downtown Plz.
Salisbury, MD | (410) 749-4081
(3.5 miles) |
| map | Art Institute & Gallery
212 W Main St.
Salisbury, MD | (410) 546-4748
(3.5 miles) |
| | New Moon Gallery
213 On The Plaza.
Salisbury, MD | (410) 546-3941
(3.8 miles) |
| map | Coastal Glass
799 N Salisbury Blvd.
Salisbury, MD | (410) 546-1197
(4.3 miles) |
| map | Frame Factory
327 Civic Ave # B.
Salisbury, MD | (410) 742-7555
(4.3 miles) |
| map | Keepsake
6401 Bent Pine Rd.
Willards, MD | (410) 749-6663
(15.7 miles) |
| map | Balcony Gallery
12 Broad St.
Berlin, MD | (410) 641-0784
(21.2 miles) |
| map | Creative Native
19 N Main St.
Berlin, MD | (410) 641-2529
(21.7 miles) |
| map | Delaware Sporting Gallery
100 S Delaware Ave.
Seaford, DE | (302) 629-4666
(22.1 miles) |

All Search results: Page (1 of 1)

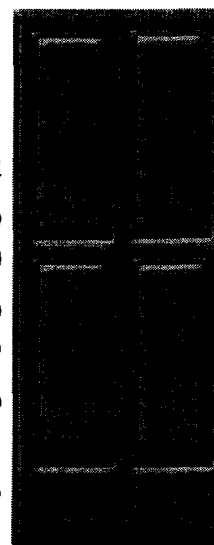
Refine search

[Search tips](#)

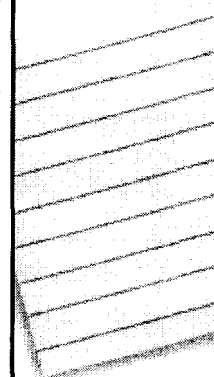
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Art galleries & studios

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Newspapers nearest **fruitland**

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map	Daily Times 115 E Carroll St, Salisbury, MD	(410) 749-7171 (3.4 miles)
map	Daily Times Classified 115 E Carroll St, Salisbury, MD	(410) 860-6900 (3.4 miles)
map	Salisbury News & Advertiser 1003 Mount Hermon Road # 100, Salisbury, MD	(410) 749-0272 (4.1 miles)
map	Lower Shore Business Review 1003 Mount Hermon Road # 100, Salisbury, MD	(410) 749-0272 (4.1 miles)
map	Mardelva News Company 9010 Stage Rd, Delmar, MD	(410) 742-8613 (8.4 miles)
map	Somerset Herald 11763 Somerset Ave, Princess Anne, MD	(410) 651-1600 (8.9 miles)
map	Worcester County Messenger 129 Market St, Pocomoke City, MD	(410) 957-1700 (16.7 miles)
	Maryland Coast Dispatch Rte 346 & Graham Ave, Berlin, MD	(410) 641-4561 (21.8 miles)
map	Entertainer Magazine 10101 Old Ocean City Blvd, Berlin, MD	(410) 641-2033 (21.9 miles)
map	Shore Golf Magazine 10101 Old Ocean City Blvd, Berlin, MD	(410) 641-2033 (21.9 miles)
map	New Century Media 10101 Old Ocean City Blvd, Berlin, MD	(410) 641-2033 (21.9 miles)
map	Southern Delaware Business 302 W Stein Hwy, Seaford, DE	(302) 629-5505 (22.5 miles)
map	Seaford Star 620 W Stein Hwy, Seaford, DE	(302) 629-9788 (22.5 miles)
map	Leader State Register 302 W Stein Hwy, Seaford, DE	(302) 629-5505 (22.5 miles)

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